

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

PRIMERICA LIFE INSURANCE COMPANY,

Plaintiff,

Civil Action No. 6:08-CV-0767

vs.

DOROTHY BARKER, ET AL.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

NIXON, PEABODY LAW FIRM
677 Broadway
10th Floor
Albany, NY 12207

ANDREW C. ROSE, ESQ.

FOR BARKER DEFENDANTS:

KERNAN, KERNAN LAW FIRM
258 Genesee Street
Suite 600
Utica, NY 13502

LEIGHTON R. BURNS, ESQ.

FOR ESTATE OF STEVEN BARKER:

HAGE, HAGE LAW FIRM
610 Charlotte Street
Utica, NY 13501

DANIEL A. BURGESS, ESQ.

DAVID N. HURD
U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

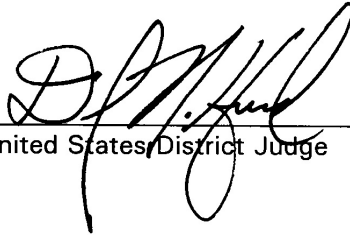
The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: May 7, 2009
Utica, New York



United States District Judge